

REMARKS

Amended claims 89, 98, 107 and 108 are pending in the application and are submitted for review.

Claims 89, 98, 107 and 108 are independent claims. These claims have been amended to further specify and distinguish the art claimed within this application per the teleconference between the Applicant and Examiner dated 1/4/06. These amendments have been also made to further distinguish the art in this application from the prior art cited, including specifically DeLaHuerga 6,408,330 and Ross 5,823, 948. As previously stated the applicant has amended these four independent claims to more clearly distinguish the novelty and art of this invention over prior art.

Independent Claims 107 and 108 are being rejected under 35 USC 102 e as being anticipated by Delahuerga 6,408,330. It is respectfully submitted that these amendments to claims 107 and 108 address the 35 USC 102 rejections and, therefore, Delahuerga does not teach each and every element of amended claims 107 and 108. Specifically, the Applicant has amended claims 107 and 108 with the elements of using an optical scanner to create a digital matrix layer of the original medical records, said optical scanner simultaneously embedding a physician biometric characteristic watermark, and means for authenticating the digital records by comparison to a physician biometric characteristic watermark database. Further, the applicant has amended the claims to more clearly point out the patentable novelty of the claims per 37 CFR 1.111 (c). In addition, the Examiner has cited Delahuerga column 44 lines 23-32 has "simultaneously assigning and embedding a first physician biometric characteristic into each said digital record...." The Applicant has carefully reviewed this citation and respectfully points out to the Examiner that there is only a reference to a

“watermarked scripted signature” in this citation and no reference to a physician “biometric characteristic.” Therefore, given all of the above, the rejection of claims 107 and 108 under 35 USC 102 should be withdrawn.

Independent Claims 89 and 98 are being rejected under 35 USC 103 (a) as being unpatentable over Ross 5,823,948 in view of DelaHuerga 6,408,330. It is respectfully submitted that these amendments to claims 89 and 98 address the 35 USC 103 obvious rejections outlined in the latest 11/30/05 Office Action. Ross and Delahuerga do not teach each and every element of the claim limitations of amended claims 89 and 98 to support an obviousness claim. The applicant specifically points to the addition of the optical scanner notations in the claims, and the additional element of the optical scanner creating a digital data matrix layer of the digital records, and simultaneously embedding a digital physician signature watermark and identifier watermark. The applicant, in his opening remarks, has given ample justification for these amendments base on the need for authenticating digital medical records and for correctly identifying patients while protecting their creditworthiness and confidentiality. In addition, it would not have been obvious to one skilled in the art to make the combinations of elements contained in these amended claims. In addition, these is no suggestion of motivation on the part of Ross and Delahuerga to make this combination of claim elements. In addition, there is no suggestion of a reasonable expectation of success on the part of Ross and Delahuerga for making the combination of elements contained in these amended claims. Therefore, the rejection of claims 89 and 98 under 35 USC 103 should be withdrawn.

Claims 90-97 are being rejected under 35 USC 103 as being unpatentable over Ross in view of DeLaHuerga. Claims 90-97 depend from claim 89. Therefore, the reasons set forth above distinguishing claim 89 apply equally here and are incorporated herein. Thus, for at least the above identified reasons Ross in view of DelaHuerga does not teach each and every element of claims 90-97 to support

an obviousness rejection under 35 USC 103. Therefore, the rejection of claims 90-97 under 35 USC 103 as being unpatentable over Ross in view of Delahuerga should be withdrawn.

Claims 99-106 are being rejected under 35 USC 103 as being unpatentable over Ross in view of DeLaHuerga. Claims 99-106 depend from claim 98. Therefore, the reasons set forth above distinguishing claim 89 apply equally here and are incorporated herein. Thus, for at least the above identified reasons Ross in view of DelaHuerga does not teach each and every element of claims 99-106 to support an obviousness rejection under 35 USC 103. Therefore, the rejection of claims 99-106 under 35 USC 103 as being unpatentable over Ross in view of Delahuerga should be withdrawn.

The applicant respectfully submits that all 102 and 103 rejections to the claims have been addressed by virtue of these amended claims. The applicant respectfully requests that the examiner allow amended claims 89-108 as presented herein.